

***Remarks***

As an initial matter, Applicants thank the Examiner for the courtesy of a phone interview on January 22, 2009 during which the scope of the claims was discussed in view of the pending written description and enablement rejections and the then pending functional limitation of claim 39.

Claims 39-41 are amended herein. Support for the amendments can be found, *inter alia*, at page 59, line 22, through page 61, line 7, and in Examples 21 and 22 of the specification. The amendments do not add new matter. Claims 39-49 are pending in the application.

***Rejections under 35 U.S.C. § 112, first paragraph***

Claims 39-49 stand rejected under 35 U.S.C. § 112, first paragraph for lack of written description (Office Action, page 2) and for lack of enablement (Office Action, page 3). In order to facilitate prosecution, Applicants have amended the claims to more clearly define the claimed subject matter.

The Examiner asserts that there there is no support for “cognate *att* sites” containing the same sequence for recombination between “an *att* recombination site” and a “cognate site.” (Office Action, page 3.) As currently amended, claim 39 does not recite a “cognate *att* site” but “wherein a sequence of a seven base pair overlap region within a fifteen base pair core region is ATTATAC.” The Examiner further asserts that there is not enablement for any isolated nucleic acid molecule comprising the nucleotide sequence of claim 39. (Office Action, page 3.) Applicants have amended claim 39 such that the sequence is in “a seven base pair overlap region within a fifteen base pair core region.” Applicants also note that claim 39 has been amended to recite a “lambdoid *att* recombination site.” As discussed in the last paragraph on page 59 of the specification, the fifteen base pair core region is shared by the lambda phage recombination sites *attB*, *attP*, *attL* and *attR*. Recombination reactions involving mutations within the seven base pair overlap region of *attL* and *attR* recombination sites are described in Example 21. Applicants believe that the currently amended claims are supported and enabled by the specification.

In view of the above, Applicant respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

***Conclusion***

Applicants believe that a full and complete reply has been made and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

/Peter G. Foiles/

Registration. No. 46,477  
Peter G. Foiles  
Agent for Applicants  
(240) 379-4173

Date: February 4, 2009

Life Technologies  
Customer No. 52059